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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

- - - - -

THE DEPOSITION OF MICHAEL

TRAYLOR, produced as a witness on behalf of the
Plaintiff in the above styled and numbered cause,
taken on the 27th day of November, 2007, in the City
of Fayetteville, County of Washington, State of
Arkansas, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

A P P E A R A N C E S

FOR THE PLAINTIFFS: Mr. Richard Garren
Attorney at Law
502 West 6th Street
Tulsa, OK 74119

FOR TYSON FOODS: Mr. Michael Bond
Attorney at Law
The Three Sisters Bldg.
214 West Dickson Street
Fayetteville, AR 72701

FOR SIMMONS FOODS: Ms. Vicki Bronson
Attorney at Law
211 East Dickson Street
Fayetteville, AR 72701

FOR PETERSON FARMS: Mr. Craig Mirkes
Attorney at Law
320 South Boston
Suite 700
Tulsa, OK 74103

FOR GEORGE'S: Mr. Paul Thompson
Attorney at Law
221 North College
Fayetteville, AR 72701

1 (Whereupon, the deposition began at
2 9:02 a.m.)

3 MICHAEL TRAYLOR
4 having first been duly sworn to testify the truth,
5 the whole truth and nothing but the truth, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. GARREN:

9 Q Please tell the court your full name.

10 A Charles Michael Traylor. 09:02AM

11 Q Where do you currently reside?

12 A Two and a half miles west of Prairie Grove.

13 Q Is there an address there?

14 A 16670 Stonewall Road.

15 Q Okay. Is that also where you conduct your 09:02AM
16 business as Traylor Spreading Service?

17 A Yes, sir.

18 Q Okay. You've given a deposition in the past I
19 understand?

20 A Yes. 09:03AM

21 Q Just some little helpful hints in going
22 through it this morning that may facilitate how we
23 get this thing done, and that is, if you let me
24 finish my question and I'll let you finish your
25 answer before each of us speaks, that way the court 09:03AM

1 **A** Yes.

2 **Q** Is there any time that at the end of the day
3 you might have excess poultry waste for a particular
4 site that you can't spread?

5 **A** No. Never had enough most of the time. It's 09:43AM
6 a good commodity. These Arkansas rocks, it makes
7 the grass grow and Oklahoma rocks.

8 **Q** What kind of miles per gallon do you typically
9 get in your spreader truck?

10 **A** Around five to six miles a gallon. 09:43AM

11 **Q** Typically how many miles per gallon do you get
12 in a long haul truck?

13 **A** Four to five.

14 **Q** When you go to a spread site, how do you know
15 where you are supposed to spread the poultry waste? 09:44AM

16 **A** Farmer tells me.

17 **Q** All right. Other than that, that's the only
18 way you know?

19 **A** Uh-huh.

20 **Q** That's a yes? 09:44AM

21 **A** Yes. I'm sorry.

22 **Q** Are you personally aware of any improper
23 poultry waste disposal yourself at any time?

24 **A** What do you mean by that?

25 **Q** Waste being put where it shouldn't be, waste 09:44AM

1 being put on more than it should be?

2 **A** No. They wrote the rules and we try to stay
3 with them to the best of our knowledge. They
4 changed the rules. If you look in there, through
5 the years they've changed them as we went. Usually
6 a different set of rules every year for a while.

09:45AM

7 **Q** Are you familiar with an association called
8 Poultry Partners?

9 **A** Not really. I don't associate with too many
10 people.

09:45AM

11 MR. GARREN: I'll pass the witness.

12 CROSS EXAMINATION

13 BY MS. BRONSON:

14 **Q** Mr. Traylor, my name is Vicki Bronson and I
15 represent Simmons Foods and I just have a couple of
16 questions for you. Do you know anybody that works
17 for Simmons?

09:45AM

18 **A** Yes.

19 **Q** Who do you know?

20 **A** I know several fieldmen because we haul
21 shavings.

09:46AM

22 **Q** Whenever you are hauling litter, does anybody
23 from Simmons ever call you and place an order with
24 you for litter, not a Simmons grower but a Simmons
25 employee?

09:46AM